

DELEGATED REPORT

Report by Helen Leach	Date of report: 24/11/2025	Ref: 72225/FUL
Registration: 17/09/2025	LDFC: 27/10/2025	Expiry Date: 12/11/2025
Site Visit: 06/10/2025	Site Notice: 06/10/2025	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: PI
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIDW

Proposal: Reinstatement of mid-terraced house at no. 104 Nelson Street following collapse after gas explosion

Location: 104 Nelson Street, Bury, BL9 9HX

Description

The site comprises a terrace of 11 dwellings, which contain 2 or 3 bedrooms and are constructed from red brick with a slate roof. Three of the properties at the end of the row were damaged by an explosion in 2024. Following the explosion, the site was cleared and a hoarding erected around the site.

There are terrace of residential properties surrounding the site.

The proposed development involves the erection of a single dwelling house.

The proposed development would reinstat the original dwelling on the site, which consists of a 2 bedroom terraced property. The elevations of the proposed dwelling would replicate the appearance of the former dwelling and would be constructed from red rbick, concrete band course painted black with a slate roof.

Access to the property would remain as existing from Nelson Street and Back Nelson Street South.

Relevant Planning History

72224 - Reinstatement of mid-terraced house at no. 102 Nelson Street following collapse after gas explosion at 102 Nelson Street, Bury. Received - 17 September 2025.

72226 - Reinstatement of mid-terraced house at no. 106 Nelson Street following collapse after gas explosion at 106 Nelson Street, Bury. Received - 17 September 2025.

Publicity

The neighbouring properties were notified by means of a letter on 24 September 2025 and site notices were posted on 6 October 2025.

There was no response.

The neighbouring properties were notified of revised plans on 5 November 2025.

There has been no response.

Statutory/Non-Statutory Consultations

Traffic Section - Concern that the proposed foundations may encroach under the adopted highway, remedial footway works will be required and need a construction traffic management plan.

Drainage Section - No objections, subject to the inclusion of a condition relating to surface water drainage proposals and informatives relating to drainage

Environmental Health - Contaminated Land - No objections, subject to the inclusion of a condition relating to contaminated land.

GM Ecology Unit - No objections, subject to the inclusion of conditions relating to nesting birds and landscaping.

United Utilities - No objections, subject to the inclusion of informatives relating to foul and surface water drainage.

Building Control - No response.

Pre-start Conditions - Applicant/Agent has agreed with pre-start conditions

Development Plan and Policies

H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
EN1/2	Townscape and Built Design
EN6/3	Features of Ecological Value
EN7/2	Noise Pollution
EN7/5	Waste Water Management
HT2/4	Car Parking and New Development
HT5/1	Access For Those with Special Needs
SPD6	Supplementary Planning Document 6: Alterations & Extensions
SPD11	Parking Standards in Bury
JP-S2	Carbon and Energy
JP-S5	Clean Air
JP-H3	Type, Size and Design of New Housing
JP-H4	Density of New Housing
JP-G7	Trees and Woodland
JP-P1	Sustainable Places
JP-C2	Digital Connectivity
JP-C5	Streets For All
NPPF	National Planning Policy Framework

Issues and Analysis

The following report includes analysis of the merits of the application against the relevant policies of both the National Planning Policy Framework (NPPF), the adopted Places for Everyone Joint Development Plan Document (PfE) and the saved policies within the adopted Bury Unitary Development Plan (UDP), together with other relevant material planning considerations.

The policies of the UDP that have been used to assess this application are considered to be in accordance with the NPPF and as such are material planning considerations. For simplicity, just the UDP and PfE Policies will be referred to in the report, unless there is a particular matter to highlight arising from the NPPF where it would otherwise be specifically mentioned.

Equality Act 2010: All planning applications are considered in light of the Equality Act 2010 and associated Public Sector Equality Duty, where the Council is required to have due regard for:

The elimination of discrimination, harassment and victimisation;

The advancement of equality of opportunity between persons who share a relevant protected characteristic and person who do not share it;

The fostering of good relations between persons who share a relevant protected characteristic and person who do not share it; which applies to people from the protected equality groups.

Human Rights: All planning applications are considered against the provisions of the Human Rights Act 1998.

Under Article 6 the applicants (and those third parties who have made representations) have the right to a fair hearing and to this end full consideration will be given to their comments.

Article 8 and Protocol 1 of the First Article confer a right to respect private and family life and a right to the protection of property, ie peaceful enjoyment of one's possessions which could include a person's home, and other land and business assets.

In taking account of the Council policy as set out in the Bury Unitary Development Plan 1997 and all material planning considerations, it is concluded on balance that the rights conferred upon the applicant/ objectors/ residents/ other interested party by Article 8 and Article 1 of the First Protocol may be interfered with, since such interference is in accordance with the law and is justified in the public interest. Any restriction of these rights posed by refusal/ approval of the application is legitimate since it is proportionate to the wider benefits of such a decision, is based upon the merits of the proposal, and falls within the margin of discretion afforded to the Council under the Town & Country Planning Acts.

The Crime and Disorder Act 1998 imposes (without prejudice to any other obligation imposed on it) a duty upon the Council to exercise its functions and have due regard to the likely effect of the exercise of its functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. In so doing and on making planning decisions under the Town and Country Planning Acts, the material Planning considerations shall have due regard to the provisions of the Crime and Disorder Act 1998 and its implications in the exercise of its functions.

Principle - Residential - The National Planning Policy Framework (NPPF) is a material planning consideration in planning decisions, and emphasises the Government's objective of significantly boosting the supply of homes. The Framework states that local planning authorities should identify and update annually a supply of specific deliverable sites to provide a minimum of five years' worth of housing, with either a 5% buffer to ensure choice and competition in the market for land, or a 20% buffer where there has been significant under delivery of housing over the previous three years. As set out in NPPF paragraph 78, the supply of housing must be assessed against the housing requirement set out in adopted strategic policies where these are less than five years old.

The joint Places for Everyone Plan was adopted with effect from 21 March 2024 and sets the up-to-date housing requirement for Bury against which the deliverable supply of housing land must be assessed. PfE Policy JP-H1 sets the following stepped targets for Bury:

- 246 homes per year from 2022-2025;
- 452 homes per year from 2025-2030; then
- 520 homes per year from 2030-2039.

Bury's Strategic Housing Land Availability Assessment sets out the latest housing supply position, which is made up of sites that have an extant planning permission and sites that have potential to obtain planning permission in the future. This shows that there are a number of sites within the Borough with the potential to deliver a significant amount of housing. However, not all of these sites will contribute to the deliverable land supply calculations as many sites will take longer than five years to come forward and be fully developed. The joint Places for Everyone Plan allocates significant strategic sites for housing within Bury and will accelerate housing delivery within the Borough to meet housing needs.

Following the adoption of Places for Everyone, the Council is able to demonstrate a deliverable 5 year supply of housing land with a 20% buffer (as currently required in Bury due to past under delivery) when assessed against the adopted PfE housing requirement.

The National Planning Policy Framework also sets out the Housing Delivery Test (HDT), which is an assessment of net additional dwellings provided over the previous three years

against the homes required. Where the test indicates that the delivery of housing was substantially below (less than 75%) the housing requirement over the previous years, this needs to be taken into account in the decision-taking process. The latest results published by the Government (the 2023 measurement published on 12 December 2024) show that Bury has a HDT result of less than 75%, and therefore, this needs to be treated as a material factor when determining applications for residential development.

Therefore, paragraph 11(d) of the National Planning Policy Framework states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, planning permission should be granted unless:

- i. The application of policies in the Framework that protect areas, or assets of particular importance, provide a strong reason for refusing the development proposed; or
- ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

As a result of the latest published HDT result the 'tilted balance' applies and planning permission should be granted unless the above points Para 11(d) i or ii apply.

NPPF paragraph 80 requires the latest published HDT results to be used. However, the Government is currently operating to a delayed publication timetable for the HDT, and although the latest published results for 2023 are below 75%, based on the current HDT rulebook Bury's result for 2024 will be above 75% and the tilted balance will no longer be triggered by the housing delivery test result.

Policy H1/2 states that the Council will have regard to various factors when assessing a proposal for residential development, including whether the proposal is within the urban area, the availability of infrastructure and the suitability of the site, with regard to amenity, the nature of the local environment and the surrounding land uses.

The site is located within the urban boundary and there are residential properties to all boundaries. The proposed development would not conflict with the surrounding land uses and would be located in a sustainable location with regard to public transport and services. The site did contain a dwelling previously and as such, the site would be previously developed land. Therefore, the proposed development would be acceptable in principle and would be in accordance with Policy H1/2 of the Bury Unitary Development Plan.

Design and Layout

Density - NPPF paragraph 130 seeks to ensure the efficient use of land, and to avoid homes being built at low densities.

PfE Policy JP-H4 requires new housing development to be delivered at a density appropriate to the location, reflecting the relative accessibility of the site by walking, cycling and public transport and the need to achieve efficient use of land and high-quality design. Policy JP-H4 sets out minimum densities that should be considered and the site falls in an area where a minimum density of 50 dwellings per hectare should be had regard to.

The net site area is around 0.001 hectare, which would indicate that 1 dwelling equates to a density of 100 dwellings per hectare. This would exceed the minimum density of 50 dwellings per hectare and would be acceptable. Therefore, the proposed development would be in accordance with Policy JP-H4 of the Places for Everyone Joint Development Plan.

Space standards - PfE Policy JP-H3 also states that all new dwelling must:

1. Comply with the nationally described space standards (NDSS); and

2. Be built to the 'accessible and adaptable' standard in Part M4(2) of the Building Regulations unless specific site conditions make this impracticable.

The dwelling would be a 2 bed, 3 person, two storey dwelling. The proposal would have a GIA of 70 square metres which would exceed minimum standards. Each of the proposed bedrooms would exceed the minimum floor areas, and widths for double occupancy rooms. There would be 2 square metres of storage, which would comply with the standard of 2 square metres. The proposal would therefore comply with NDSS.

In relation to M4(2) compliance, the supporting statement explains which of the elements can be achieved. However, there are some elements, such as level access and a downstairs toilet, which cannot be accommodated due to the floorspace of the dwelling. However, due to the unique circumstances of the proposed development, it is considered that compliance with M4(2) is not required in this case.

Therefore, the proposed development would be in accordance with Policy JP-H3 of the Places for Everyone Joint Development Plan.

Design - The proposed development involves the demolition of the damaged dwelling and the rebuilding of the dwelling. The design of the proposed dwelling would match the existing dwellings in the terrace row and the windows and doors would be suitably aligned. The dwelling would be constructed from red brick with a slate roof, which would match the existing terrace of dwellings. Therefore, the proposed development would not be a prominent feature and would be in accordance with Policies H2/1, H2/2 and EN1/2 of the Bury Unitary Development Plan.

The proposed dwelling would have a rear garden, which would provide a suitable level of amenity space. There would be space within the rear garden for bin storage. A concrete wall would be provided at the front of the proposed dwelling, which would match the wall in front of the other existing dwellings. A timber gate and timber door would be provided at the rear of the site, which would be acceptable. Therefore, the proposed development would not be a prominent feature in the streetscene and would be in accordance with Policies EN1/2, H2/1 and H2/2 of the Bury Unitary Development Plan.

Impact upon residential amenity - SPD 6 provides guidance on aspect standards for residential properties and would be relevant in this case.

The proposed dwelling would be located level with the front and rear elevation of the adjacent properties and as such, would not have an adverse impact upon the amenity of the neighbouring properties.

There would be over 22 metres between the rear of the proposed development and the rear of No. 111 Devon Street, which would be in excess of the 20 metre aspect standards.

There would be 15.5 metres from the front elevation to the blank gable of No. 2 Handley Street, which would be in excess of the 13 metre aspect standard.

There would be 9.6 metres from the rear elevation of the proposed development to the boundary of the rear yard, which would be in excess of the 7 metre aspect standard.

Therefore, the proposed development would not have a significant adverse impact upon the amenity of the neighbouring properties and would be in accordance with Policies H2/1, H2/2 and EN1/2 of the Bury Unitary Development Plan.

Ecology - From a review of the photographs and recent satellite imagery, there is 1 tree present in the former rear garden of the dwelling and the remaining site is hardstanding with sparse areas of vegetation, which is beginning to grow through. The agent has confirmed that the tree is to be retained in the rear garden and this is shown on the

proposed site plan. As such, the proposed development would be exempt from BNG assessment under the de minimis rule. GM Ecology Unit have no objections, subject to the inclusion of conditions relating to landscaping and an informative relating to bats.

Therefore, the proposed development would not harm protected species and would be in accordance with Policies EN6/3 of the Bury Unitary Development Plan and the NPPF.

Highways issues - The proposed dwelling is located in a terraced row, which is located between Nelson Street, Grafton Street, Back Gigg Lane and Back Nelson Street South. The proposed development will provide no off-street parking, but there was none provided before. As such, the proposed development would not result in a worse situation.

The Traffic Section have requested that details of any new foundation details are provided to confirm that there would be no encroachment under the adjacent adopted highways at the front and rear of the site. This would come under the Highways Act and as such, is not a material consideration for planning. An informative will be added in relation to foundations not encroaching on the adopted highway and conditions relating to a CTMP, including details of remedial footway works will be added.

Therefore, the proposed development would not be detrimental to highway safety and would be in accordance with Policies H2/1, H2/2 and EN1/2 of the Bury Unitary Development Plan.

Carbon/energy - The proposed development reinstates the original dwelling on the site. Due to the existing context of the site, opportunities to reconfigure the proposed scheme and deliver a net-zero development in the most economic way are limited, as:

- The shape, orientation, size of openings, etc. are already predetermined by the original building.
- Meeting the criteria above limits the choice and efficiency of technologies available to generate renewable energy on site.
- The installation of an electrical vehicle charger is not viable as off-street parking cannot be provided within or close to the curtilage of the dwelling.

The proposed development would include compliance with Part L of the Building Regulations. Whilst this would not fully meet the criteria of the policy, it would make a meaningful contribution to the aim of being carbon neutral. Given the unique circumstances of this proposal, it is considered that the measures identified to reduce the energy required would be acceptable and would comply with Policy JP-S3 of the Places for Everyone Joint Development Plan.

Digital connectivity - Policy JP-C2 of the PfE plan supports the provision of affordable, high quality, digital infrastructure.

The agent has provided a statement, which indicates that the proposed dwelling would be provided with access to high speed digital connection. Therefore, the proposed development would comply with Policy JP-C2 of the Places for Everyone Joint Development Plan.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Recommendation: Approve with Conditions

Conditions and Reasons:

- 1 The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
- 2 This decision relates to drawings numbered 250521-100, 250521-101 A, 250521-102 A, 250521-103 C, 250521-104 B, 250521-105 and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury Unitary Development Plan and Places for Everyone Joint Development Plan listed.
- 3 The external finishing materials for the proposal hereby approved shall match those of the existing terraced dwellings.
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy EN1/2 - Townscape and Built Design of Bury Unitary Development Plan.
- 4 The development hereby permitted within any approved phase shall not be occupied/brought into use until the works relating to land contamination detailed below are fully completed:
Where remediation is required, it shall be carried out in full accordance with the approved Remediation Strategy.
A Verification Report must be submitted to the Local Planning Authority for approval upon completion of remediation works. The Verification Report must include information validating all remediation works carried out; details of imported materials (source/quantity/suitability); details of exported materials; and details of any unexpected contamination.
Reason. To prevent unacceptable risk to Human Health and Controlled Waters and to prevent pollution of the environment in accordance with the aims and Paragraphs 187(f), 196 and 197 of the National Planning Policy Framework (December 2024).
- 5 No works to trees or shrubs shall occur between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance.
Reason. In order to ensure that no harm is caused to a Protected Species pursuant to policies EN6 - Conservation of the Natural Environment and EN6/3 - Features of Ecological Value of the Bury Unitary Development Plan and National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.
- 6 No development shall commence unless and until surface water drainage proposals have been submitted to and approved in writing by the Local Planning Authority. The scheme should be in accordance with the submitted Surface Water Sustainable Drainage Assessment and must be based on the hierarchy of drainage options in the National Planning Practice Guidance and be designed in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015). This must include assessment of potential SuDS options for surface water drainage with appropriate calculations and test results to support the chosen solution. Details of proposed maintenance arrangements should also be provided. The approved scheme only shall be implemented prior to first occupation and thereafter maintained.
Reason. The current application contains insufficient information regarding the proposed drainage scheme to fully assess the impact. To promote sustainable development and reduce flood risk pursuant to Unitary Development Plan Policies

EN5/1- New Development and Flood Risk , EN7/3 - Water Pollution and EN7/5 - Waste Water Management and chapter 14 - Meeting the challenge of climate change, flooding and coastal change of the NPPF.

- 7 No development shall commence unless and until a 'Construction Traffic Management Plan' (CTMP), has been submitted to and approved by the Local Planning Authority and shall confirm/provide the following:

- Hours of operation and number of vehicle movements;
- Arrangements for the turning and manoeuvring of vehicles within the curtilage of the site;
- Parking on site of operatives' and demolition/construction vehicles together with storage on site of demolition/construction materials;
- Measures to ensure that all mud and other loose materials are not carried on the wheels and chassis of any vehicles leaving the site and measures to minimise dust nuisance caused by the operations

The approved plan shall be adhered to throughout the demolition/construction period and the measures shall be retained and facilities used for the intended purpose for the duration of the demolition and construction periods. The areas identified shall not be used for any other purposes other than the turning/parking of vehicles and storage of demolition/construction materials.

Reason. Information not submitted at application stage. To mitigate the impact of the construction traffic generated by the proposed development on the adjacent residential streets, and ensure adequate off street car parking provision and materials storage arrangements for the duration of the construction period and that the adopted highways are kept free of deposited material from the ground works operations, in the interests of highway safety pursuant to Bury Unitary Development Plan Policies EN1/2 - Townscape and Built Design and HT6/2 - Pedestrian/Vehicular Conflict.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HL - 24/11/2025		DM - 24/11/2025	